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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,308	02/16/2001	Masahiko Nishikawa	010169	2236

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EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/784,308	NISHIKAWA ET AL.	
	Examiner	Art Unit	
	Jamie Vent	2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-6.

Claim(s) objected to: _____.

Claim(s) rejected: 7, 9, 10, 12 and 13.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached..

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

DETAILED ACTION

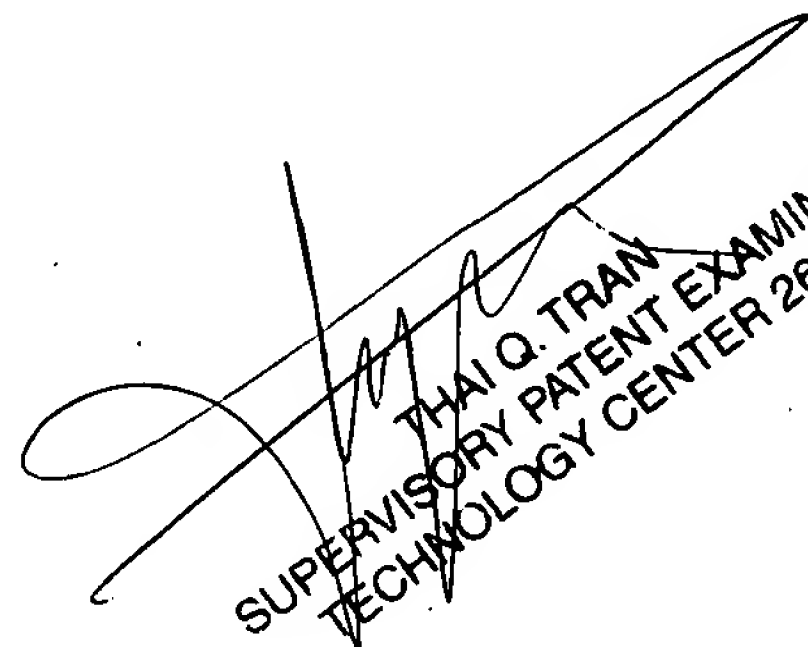
Response to Arguments

Applicant's arguments filed January 30, 2007 have been fully considered but they are not persuasive. On pages 3 applicant argues that Suga in view of Nagasaki et al in further view of Anderson fails to disclose the "first producer includes a converter for converting an image format to a YUV format, and each of the main image for recording, the image for display and the size-reduced image for recording is an image corresponding to said YUV format" as recited in Claim 7. Nagasaki et al discloses a digital still camera having multiple recording stages as seen in Figure 1. It is shown an image processing section 33 in Figure 1 that prepares the images for recording at various resolutions based on the size image of the recording as stated in Column 19 Lines 15+. The image for display is a size-reduced image of the recorded image that allows for the user to properly view a size-reduced image of images on the record medium. Anderson discloses in Figure 11a-11d thumbnails of images that are size-reduced of the main image as additionally disclosed in Column 14 Lines 10+. The ability to have a size-reduced image allows for the user to have a more effective view of images that are recorded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital camera, as disclosed by Suga et al, and further incorporate an image corresponding to the recorded images, as disclosed by Nagasaki et al and additionally disclosed by Anderson et al.

Additionally on pages 3-6 applicant argues that Suga in view of Nagasaki et al in further view of Anderson fails to disclose the following "a third producer for producing a size-reduced image for recording having a lower resolution by making a resolution-reducing process on the image for display produced by said second producer" as recited in Claim 7. Nagasaki et al

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discloses a digital still camera having multiple recording stages as seen in Figure 1. It is shown an image processing section 33 in Figure 1 that prepares the images for recording at various resolutions based on the size image of the recording as stated in Column 19 Lines 15+. The image for display is a size-reduced image of the recorded image that allows for the user to properly view a size-reduced image of images on the record medium. Anderson discloses in Figure 11a-11d thumbnails of images that are size-reduced of the main image as additionally disclosed in Column 14 Lines 10+. The ability to have a size-reduced image allows for the user to have a more effective view of images that are recorded. Although the examiner understand the applicants arguments the examiner can not agree due to the above explanation and the rejection is maintained.



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